

SCANNED

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
Civil Action No. 04-30613-MAP
04 0030163

JULIO TOLEDO, ET AL
Plaintiffs

v.

IBPO LOCAL 364
Defendant

MOTION OF THE DEFENDANT IBPO LOCAL 364 TO POSTPONE SCHEDULED
HEARING OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING
ORDER AND TO SCHEDULE A CASE MANAGEMENT CONFERENCE

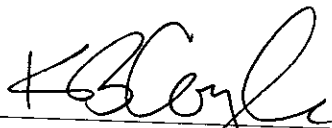
Now comes the Defendant IBPO 364 and moves this Honorable Court to postpone the hearing on the Plaintiffs' motion for a temporary restraining order, presently scheduled for hearing on October 13, 2004, and to schedule a case management conference.

The reason for this motion is that the Local 364 cannot provide the relief requested by the Plaintiffs. The Plaintiffs have failed to name an indispensable party, the City of Springfield, as a Defendant, as pleaded in the answer of the Defendant Local 364. The Plaintiffs seek by their Complaint and request for injunctive relief to enjoin the implementation of an award of an arbitrator interpreting the collective bargaining agreement in effect between the City of Springfield and Local 364. The City of Springfield is obligated by statute to implement the arbitration award in question.

G.L.c. 150C; G.L. c. 150E. No ruling or finding by this court can relieve the City of Springfield of its obligation to implement the arbitration award unless it is a party to this action, and subject to this court's jurisdiction.

I have consulted with counsel for the City of Springfield who agree that the City of Springfield is an indispensable party to this action, that the City of Springfield is a party of interest in this matter, and desire the City of Springfield to participate in this proceeding in such capacity. Counsel for the City of Springfield agree that before any action is taken by the court on the Plaintiffs' request for injunctive relief, the court should schedule a case management conference to resolve the issue of proper parties to this action.

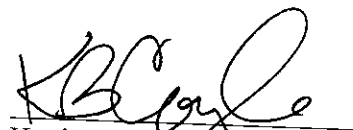
FOR THE DEFENDANT IBPO LOCAL 364



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I certify that a true copy of this document was served by first class mail to counsel for the Plaintiffs and counsel for the City of Springfield.

October 6, 2004


Kevin B. Coyle